

For: APFO and FSA State and County Offices

**Work Schedule (WS) Policy for
Nonbargaining Unit FSA State and County Field Offices**

Approved by: Deputy Administrator, Management



1 Overview

A Background

SED's and CED's are delegated the authority to administer WS policies **in nonbargaining unit States.**

Note: Bargaining unit employees, where exclusive representation exists, may request WS bargaining to the extent allowed by applicable statutes and contract terms.

B Purpose

This notice:

- provides definitions for WS terminology
- describes all approved FSA field office WS options
- provides directors, managers, and supervisors with tools and information to help manage maxiflex WS's.

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| <p>Disposal Date</p> <p>May 1, 2006</p> | <p>Distribution</p> <p>APFO and State Offices; State Offices relay to County Offices</p> |
|--|---|

1 Overview (Continued)

B Purpose (Continued)

- defines and clarifies the following WS policies:
 - morning and/or afternoon breaks
 - the requirement for prior approval to earn credit hours
 - that there is **no automatic entitlement** to credit hours for arriving early or staying late
 - supervisory and employee responsibilities for earning credit hours
 - that CWS 4/10 work schedules are **not** an option for Field Office employees, but Maxiflex 4/10 can be requested
 - the requirement for recording arrival and departure times, with leave, on a daily basis on FSA-958
 - filing approved FSA-956.

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1 Overview (Continued)

C Approved FSA WS Options

The following table briefly describes each of the approved Field Office WS options.

| Option | Explanation |
|---------------------------|---|
| Standard Flexitour | <p>Employee works 8-hour days, 5 days a week, for a total of 40 hours a week. Arrival and departure times each workday are fixed, there is no glide time flexibility.</p> <p>Credit hours may not be earned.</p> |
| CWS 5/4/9 | <p>Employee works eight 9-hour days and one 8-hour day, with 1 nonworkday each pay period. Arrival and departure times each workday are fixed, there is no glide time flexibility.</p> <p>Credit hours may not be earned.</p> <p>A CWS 4/10 WS is not an option for Field Office employees.</p> |
| Maxiflex | <p>Full-time (FT) employees must work an 80-hour pay period of 10 or fewer workdays per pay period, Monday through Friday. Employees working maxiflex must be allowed glide time. Employees must establish:</p> <ul style="list-style-type: none"> • daily work hours of no less than 6 hours and no more than 10 hours on a given workday, excluding unpaid lunch breaks and credit hours • an approximate daily arrival time on FSA-956. <p>Daily work hours, including glide time, must cover core hours. See subparagraph 5 C for a definition of glide time and subparagraph 3 C for core hours.</p> <p>Minute-to-minute time accounting (see subparagraph 4 C)</p> <p>Employees working a maxiflex WS may request to work a 5/4/9 or 4/10 "like" WS or they may request to work every day Monday through Friday , but they must establish how many hours they plan to work each workday on FSA-956.</p> |

1 Overview (Continued)

D Contacts

If there are any questions about this notice, contact the appropriate office according to the following table.

| Subject | Location | Contact |
|--------------------------------|------------------------|--|
| Notice and WS policy questions | FSA County Offices | State Office contact |
| | APFO and State Offices | Sally Reed, HRD at 202-418-9032 FAX: 202-418-9129 E-Mail to Sally_Reed @wdc.usda.gov |
| PC-TARE or STAR T&A questions | FSA County Offices | State Office T&A contact |
| | APFO and State Offices | Either of the following at KCAO, HR: <ul style="list-style-type: none"> • Carolyn Layden at 816-926-6709 • Myrina Highlander at 816-926-6184. |

2 County Offices

A FSA County Offices

The Administrator, FSA:

- asks that Farm Loan Manager’s and CED’s work together to establish common WS policies for all on-site and off-site employees, both GS and CO, reporting to the **same** County Service Center Office
- encourages CED’s to work closely with the County Food and Agriculture Council Committees and other Service Center managers to ensure that County Office WS policies are fairly and equitably managed for the benefit of all Service Center employees.

B County Office WS Flexibility

The different agencies that staff the County Offices have different missions and customer service needs. FSA employees shall understand that it may not be possible for all employees of a Service Center to have the same amount of WS flexibility, but there should not be an unfair burden placed on the employees of any Service Center agency to maintain office coverage or official office hours on Mondays and Fridays, the days most employees select as their nonworkdays.

The amount of WS flexibility will depend, in large part, on the number of employees in an office or center. Service Centers with a large staff will be able to allow more flexibility than County Offices or offices with smaller staffs.

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3 General WS Policy

A Daily Work Hours

Daily work hours are those hours during which an employee must establish their WS. This applies to all FSA WS options.

Policy: Established daily work hours shall begin no earlier than **6 a.m.** and end no later than **6 p.m.** on FSA-956. For an employee working maxiflex, their daily work hours begin upon arrival at work, unless on approved leave.

B Official Office Hours

Official office hours are those hours during which FSA services shall be available to the public.

Policy: Official office hours shall be 8 a.m. to 4:30 p.m., Monday through Friday, unless otherwise decided by SED for State Offices, APFO Director, or STC based on recommendations from County Office managers.

Note: Using maxiflex WS's should enable some offices or Service Centers to extend their customer service hours, that is, open earlier than 8 a.m. or stay open later than 4:30 p.m.

C Core Hours

Core hours are those daily hours during which a **FT** employee must be at work or on approved leave, except for nonworkdays.

Policy: Core hours:

- shall be **9 a.m. to 3:30 p.m.**, which allows for a 6-hour minimum workday
- do not apply to part-time (PT) employees, unless they are required to work core hours
- include a 30-minute **unpaid** lunch break.

Note: For additional information about lunch breaks see subparagraph D.

Note: For information about morning and afternoon breaks see subparagraph E.

| Morning Flexible Time Band | Core Time | Afternoon Flexible Time Band |
|-----------------------------------|---------------------|-------------------------------------|
| 6 a.m. to 9 a.m. | 9 a.m. to 3:30 p.m. | 3:30 p.m. to 6 p.m. |

3 General WS Policy (Continued)

D Lunch Breaks

Lunch breaks shall be taken between 11:30 a.m. and 1:30 p.m. All daily WS's of more than 6 hours must include a 30-minute unpaid lunch break. The scheduling of lunch breaks within an office shall be worked out informally between the employees and their office manager or supervisor, but there must be office coverage during official office hours. Managers and supervisors may not force an employee to work more than 6 hours without a lunch or meal break.

Employees **cannot**:

- **work through their lunch break and leave work early**

Note: If a FT employee leaves work before 3:30 p.m. or before completing their established daily work hours, they must take **approved** leave.

- claim overtime, compensatory time, or credit hours during their lunch break
- combine their lunch break with an approved morning or afternoon break.

Note: Managers or supervisors may approve an occasional or fixed lunch break of 45 or 60 minutes, but the employee's daily work hours must be adjusted to make up for the extended lunch break at the end of the **same** scheduled workday.

E Morning and/or Afternoon Breaks

This is a reminder that morning and/or afternoon breaks are **discretionary** and must be approved by SED or a delegated supervisory official or office manager. There is **no entitlement** to morning or afternoon breaks and employees, who are allowed breaks, need to be aware that they are in pay status and:

- their supervisor must be able to locate them during their break
- all breaks shall be taken within the office building (official duty location) or on the building premises
- if an employee leaves the building premises, they must take leave
- smoking during breaks shall take place in a **outside** on building premises

3 General WS Policy (Continued)

E Morning and/or Afternoon Breaks (Continued)

- morning breaks shall be taken between 9 and 11 a.m.
- afternoon breaks shall be taken between 2 and 3:30 p.m.
- breaks shall not be combined with unpaid lunch breaks to extend the lunch period
- breaks shall not be taken immediately upon arrival at work or immediately preceding departure from work.

Note: Morning and/or afternoon breaks shall not interrupt or compromise customer service, office coverage, or the mission of the agency. This subparagraph does not apply to Field Office employees while in travel status.

4 Establishing WS's, Keeping Daily Work Logs, and Requesting Leave

A FSA-956, Field Office Work Schedule Request

Each employee **must complete** FSA-956 to establish or change their biweekly WS. The completed form must then be approved by the employee's first line supervisor or office manager before the employee may begin the requested WS. All newly approved WS's are effective on the first day of the next pay period following their approval. Also, employees may **not** request a WS change from maxiflex to a fixed WS or vice-versa more than once during a 6-month period.

Each employee **must** have an approved FSA-956 on file in their T&A folder. T&A's and FSA-956's must be retained for 6 years. Employees can find the FSA-956 on the FSA Intranet at <http://intranet.fsa.usda.gov/fsa> under the "Forms" link.

FSA WS choices are 1 of the following:

- maxiflex
- standard flexitour
- CWS 5/4/9.

Note: A CWS 4/10 WS is **not** an option for Field Office employees.

Important: Employees must establish a daily arrival and departure time and indicate the number of hours to be worked each workday. Daily work hours, including maxiflex glide time, must cover core hours, 9 a.m. to 3:30 p.m.

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4 Establishing WS's, Keeping Daily Logs, and Requesting Leave (Continued)

B WS Conflicts

If work scheduling conflicts arise when establishing or changing a permanent WS, it is recommended that the employees involved be allowed to resolve the conflict.

If an agreement cannot be made between the parties involved, the office manager or supervisor shall make the final decision. When necessary, seniority with FSA or its predecessor agencies shall be considered before the employee's service computation date (SCD) for leave.

C FSA-958, Work Schedule Log

Employees shall record their arrival and departure times on a daily basis using FSA-958 and minute-to-minute time accounting practices, see subparagraph D. They shall also record the starting and ending times of all overtime, compensatory time, and credit hours. WS logs **shall not** be filled-out in advance of being worked, **except** for the recording of pre-approved leave or unless otherwise instructed by NFC or a supervising official. Also, COC members shall use FSA-958 to record their work time.

At the end of each pay period, **employee's must:**

- calculate and enter their weekly hours in the right-hand columns of their FSA-958
- verify that leave hours reported on FSA-958 match the dates and hours approved on each leave document
- attach all approved leave documents, e-mail approvals, medical certificates (when required), and any other documentation which applies to the pay period to their FSA-958
- sign and date FSA-958 in ink
- give completed FSA-958's to the appropriate timekeeping official for data entry into PC-TARE or STAR.

Note: At the end of the pay period, office managers and supervisors, who have elected to approve leave of less than 1 workday verbally, shall forward a copy of the informal log to the timekeeper. The timekeeper will use the log to verify the accuracy of leave reported on FSA-958's.

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4 Establishing WS's, Keeping Daily Logs, and Requesting Leave (Continued)

D Minute-to-Minute Time Accounting

Minute-to minute time accounting is the recording of actual clock time. In the bottom portion of FSA-958, employees shall use minute-to-minute time accounting to record daily arrival and departure times for regular time, credit hours, overtime, and compensatory time.

Example: An employee working maxiflex with an established 9-hour workday arrives at work at 7:38 a.m., this employee may depart from work exactly 9 1/2 hours later at 5:08 p.m.

E SF-71 or OPM-71, Request for Leave or Approved Absence

All leave must be approved in advance, when practicable. Leave for **1 workday or more** requires the use of SF-71 or OPM-71. At the discretion of the supervising official or office manager, leave of **less than 1 workday** may be approved verbally or by e-mail. Employees **must record** all approved leave on FSA-958 immediately upon approval, when practicable.

Note: Employees may use SF-71 or OPM-71 to request leave. Eventually, FSA will phase out the use of SF-71.

Important: The authority to approve leave verbally or by e-mail can be revoked by SED or DD, if it is reported and determined that this option is being abused.

5 Maxiflex WS Information

A Maxiflex WS's

Maxiflex is a **flexible WS** and, by regulation, can take on many different forms. Each Federal agency that authorizes the use of maxiflex, has the authority to determine their own policy for its use. FSA guidelines for maxiflex will follow "General WS Policy" in this notice and will include policy for:

- established arrival time
- glide time
- daily work hours
- nonworkdays
- credit hours.

Maxiflex requires daily arrival flexibility and FSA will use the term **glide time** when referring to this flexibility. See subparagraph C for a definition of glide time.

5 Maxiflex WS Information (Continued)

B Established Arrival Time

Established arrival time refers to the approximate clock time that the employee expects to arrive at work on any given workday as noted on their approved FSA-956. The employee's **actual** arrival time each workday may vary from their established arrival time by the amount of glide time that has been approved by their office manager or supervisor. If an employee arrives **after** their glide period has ended, then leave shall be charged.

C Glide Time

Maxiflex's daily arrival flexibility will be termed "**glide time**". Office managers and supervisors are responsible for establishing "glide time" policy for the employees in their office or Service Center. For FT employees, their daily work hours plus allowable glide time must cover core hours each workday.

HRD recommends 30 minutes of glide time **before** and 30 minutes **after** the employee's established arrival time, but allowable glide time can be as short as 15 minutes.

Example: A FT employee is approved for an established arrival time of **7:30 a.m.** and plans to work **9 hours**, then the employee is expected to:

- arrive at work between 7 a.m. and 8 a.m. (during glide time)
- work core hours, 9 a.m. to 3:30 p.m.
- take a 30-minute unpaid lunch break
- take leave, if they arrive after 8 a.m.
- work established 9-hour workday.

Morning glide time shall not begin before 6 a.m. or end after 9 a.m.

Example: If an employee requests an established arrival time of 9 a.m. and the supervisor is allowing 30 minutes before/after glide in the office, then they have limited their glide flexibility to only 30 minutes from 8:30 until 9 a.m.

Important: Daily work hours, including maxiflex allowable glide time, must cover core hours 9 a.m. to 3:30 p.m.

5 **Maxiflex WS Information (Continued)**

D Maxiflex Daily Work Hours Policy

FT employees may request a daily WS of no less than 6 hours and no more than 10 hours, excluding a 30-minute unpaid lunch break and credit hours. Also, a 9-hour or 10-hour workday may be followed by a 6-hour workday as long as the work hours for the pay period equal 80.

PT employees may also request to work maxiflex. There are no minimum daily work hour requirements, but the maximum is 10 hours, **excluding** credit hours. If a PT employee works more than 6 hours, they must take a 30-minute lunch. Their total established work hours each pay period must equal the number of hours they are approved to work on a biweekly basis, no less than 32 hours and no more than 64 hours a pay period. PT employee's are not required to work core hours unless so directed.

E Nonworkdays Per Pay Period

Managers and supervisors have the authority to limit **maxiflex** nonworkdays to just **1 nonworkday** per pay period, but the maximum nonworkdays under maxiflex that can be requested and approved is **2**. FT employees working maxiflex may also choose to work 5 days a week with no nonworkdays.

F Credit Hour Regulations

OPM regulations allow agencies to authorize the earning of credit hours to employees who work a flexible WS, such as maxiflex. Credit hours must be worked **voluntarily** and cannot be ordered or directed by management. For a FT employee, credit hours are those hours worked in excess of their **established daily work hours** or in excess of an 80-hour pay period. A PT employee may also earn credit hours for those hours worked in excess of their established daily work hours or in excess of their approved biweekly work hours.

Note: Credit hours are earned in 15 minute increments, but OPM regulations do not allow more than **24 hours** of credit time to be brought forward from 1 pay period to the next. Credit hours **in excess of 24 hours** at the end of the pay period are automatically forfeited.

5 Maxiflex WS Information (Continued)

G FSA Policy for Earning Credit Hours

FSA has authorized the earning of credit hours by employees working a **maxiflex** WS.

Credit Hour Policy:

- **Credit hours must be requested and approved in advance of being worked by the employee's first line supervisor or office manager, no exceptions.**
- Supervisors are responsible for ensuring that there is **appropriate work** to be accomplished **before** approving credit hours.

Credit hours:

- can be approved on a **daily, weekly, or project** basis
- shall be earned and used in 15-minute increments only

Note: Fractional minutes (less than 15 minutes) cannot be carried forward and added to credit time worked on another workday.

- must be earned **at the end of the workday, not at the start**

Exception: When an assignment or task requires the employee's presence before their established arrival or glide time, such as preparing for a meeting that day or taking care of a computer-related task that must be completed before clients and/or employees arrive at the office, then an employee can request to work credit hours before the start of their glide time

- are hours voluntarily worked in excess of:
 - an FT employee's established daily work hours or in excess of an 80-hour pay period
 - a PT employee's established daily work hours or in excess of approved biweekly workhours
- may be earned and used in the same pay period, but must be earned **before** they can be used

5 Maxiflex WS Information (Continued)

G FSA Policy for Earning Credit Hours (Continued)

- balances must be paid at a regular hourly rate when an employee resigns, retires, or transfers to another agency
- balances may be retained by an employee who changes from maxiflex to a fixed WS if they eventually plan to return to a maxiflex WS **or** the employee may request payment, see paragraph 8 for WS code changes
- accumulations of **more than 24 hours** at the end of the pay period cannot be carried forward to the next pay period, excess credit hours are forfeited
- may **only** be earned in travel status when performing **work**-related tasks, that is writing a report or preparing for a speech while a passenger in a car or airplane, etc.
- may be approved to attend work-related evening meetings after 6 p.m. (meeting portion only, no to/from travel time)
- may be earned by "Schedule C" employees
- **cannot** be earned:
 - before the employee's established arrival time or glide time, except when an assignment or task requires that an employee be in the office before their established arrival or glide time
 - without prior approval
 - on Saturday, Sunday, holidays, or any nonworkday (scheduled day off)
 - during core hours, lunch break, or other breaks
 - while traveling, that is driving a motor vehicle or operating a transportation device
 - by Senior Executive Service employees.

Important: **There is no automatic entitlement to credit hours when staying late or working more than your established work hours.** Credit hours must be approved in advance of being worked, no exceptions.

H Credit Hours In-Lieu-of Overtime/Compensatory Time

Credit hours may be requested and approved in-lieu-of earning overtime or compensatory time for time worked **only**. See 32-PM for more information on overtime and compensatory time.

6 WS Responsibilities

A Supervisory Responsibilities

Office managers and supervisors are responsible for:

- allowing the use of maxiflex WS's, where possible
- establishing **maxiflex glide time** policy for their office, see subparagraph 5 C for glide time details
- reviewing and approving FSA-956's for each employee
- discussing WS alternatives with an employee when a requested WS cannot be approved
- maintaining a log for leave approved **verbally for less than 1 workday**
- certifying all FSA-956's, SF-71 or OPM-71's, FSA-958's, and PC-TARE or STAR T&A documents
- **ensuring that there is appropriate work to be accomplished before** approving an employee's request to work credit hours
- coordinating employee WS's to ensure **adequate staff coverage for all** FSA programs and operations during "official office hours"
- maintaining FSA's high standards for program delivery and services
- suspending WS's or rescheduling nonworkdays when office coverage becomes an issue or if an exigency of public business occurs
- seeking advice from SED, DD, or the Administrative Officer, if WS problems or questions arise.

B SED and DD Responsibilities

SED's and DD's shall:

- monitor the effectiveness of FSA's WS options
- provide advice and take whatever action is necessary to ensure the efficient delivery of FSA programs and customer services within their State or District.

6 WS Responsibilities (Continued)

C Employee Responsibilities

All FSA employees shall:

- complete FSA-956 to establish or change their biweekly WS
- have FSA-956 approved by their office manager or supervisor before starting a new WS
- keep a copy of their approved FSA-956
- record on a **daily** basis their arrival and departure times, overtime, compensatory time, credit hours, and leave using FSA-958
- request and receive approval for all leave in advance by completing SF-71 or OPM-71, when possible
- **complete their FSA-958 at the end of the pay period** by calculating and entering the totals for week 1 and 2 before submitting for T&A data entry
- sign, date, and attach all approved leave slips and medical documentation, when appropriate, to their FSA-958
- not request to work credit hours **unless** there is appropriate work that needs to be accomplished
- read the holiday pay rules, see paragraph 7
- be responsible for **tracking their own credit hour balance** to avoid forfeiture at the end of a pay period
- understand that their immediate supervisor cannot allow the use of **excess** credit hours (hours over 24) if coverage of "official office hours" or the mission of the agency is jeopardized.

7 Holidays

A Holidays on a Maxiflex WS

FT employees, who are approved to work **maxiflex**, are limited by law to **8 hours of holiday pay** on:

- a Federal holiday
- an **in-lieu-of holiday**
- day excused by Executive Order, unless otherwise defined.

If a holiday falls on an established workday of :

- **more than 8 hours**, the employee may choose 1 of the following options:
 - request approval to make up the hours over "8" on another workday within the **same** pay period
 - request to use leave or credit hours
- **less than 8 hours**, the employee may claim 8 hours of holiday pay and adjust their maxiflex WS for the pay period accordingly.

PT employees approved to work **maxiflex** are only entitled to receive holiday pay for the work hours they are scheduled to work on a day designated as a holiday, up to a maximum of **8 hours**. There is **no holiday pay entitlement** or in-lieu-of holiday entitlement when a holiday falls on a PT employee's established nonworkday.

B Holidays on CWS or Flexitour WS

FT employees, who work either a **fixed CWS 5/4/9** or **standard flexitour WS**, are entitled to holiday pay **equal to the hours** they are scheduled to work on a day designated as a holiday or in-lieu-of holiday. For a FT employee, this may be 8 or 9 hours.

PT employees working a **fixed WS** may only receive holiday pay for the work hours they are **scheduled** to work on a day designated as a holiday. There is **no holiday pay entitlement** or in-lieu-of holiday entitlement for part-time employees if a holiday falls on a scheduled **nonworkday**.

Intermittent employees are not entitled to holiday pay.

8 Information for T&A Data Entry Staff

A Important Timekeeping Information

NFC requires that a specific **WS** code be entered into an employee's T&A master record. This applies to both PC-TARE and STAR users. This code varies depending on the type of WS the employee is approved to work. **It is imperative that this WS code be correct.** To enter this code in PC-TARE, the timekeeper will:

- proceed to PC-TARE's Main Menu
- select option 1, "Add/Modify Master Record"
- refer to item 12, "Alternate Work Schedule".

Timekeepers will enter 1 of the following WS codes into item 12:

- **maxiflex WS code for:**
 - **FT employees - "8"**
 - **PT employees - "7"**
- **CWS 5/4/9 - "5"**
- **standard flexitour - "blank" or "9".**

Note: The correct WS code must be entered for employees working maxiflex, otherwise the NFC payroll system will not recognize transaction codes "29" or "50" when used to report credit hours.

B STAR T&A Users

State Offices using NFC's STAR T&A software shall refer to their STAR-Web or STAR-client Training Manual for information on WS codes.